

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

SONY MUSIC ENTERTAINMENT, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 1:18cv0950 (LO/JFA)
v.	)	
	)	
COX COMMUNICATIONS, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

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**ORDER**

This matter is before the court on defendants' motion to seal. (Docket no. 144). The motion to seal seeks to have Exhibits 3 and 5 to the Golinveaux declaration and Exhibits 3-5 to the Leiden declaration remain under seal along with references to those exhibits in the memorandum in support of the motion for leave to take additional third-party depositions and in the declarations. As to Exhibit 3 to the Golinveaux declaration and Exhibits 3-5 to the Leiden declaration, defendants state they take no position on whether those materials should remain under seal and they filed this motion pursuant to Local Civil Rule 5(C) indicating that the motion was being filed as to those materials because the plaintiffs had designated those materials as confidential. (*Id.*). As to Exhibit 5 to the Golinveaux declaration, defendants designated that document as "highly confidential – attorneys' eyes only" claiming that it discloses confidential business information belonging to the defendants. (*Id.*).

Pursuant to Local Civil Rule 5(C), plaintiffs were required to file any memorandum in support of their confidential designations for Exhibit 3 to the Golinveaux declaration and Exhibits 3-5 to the Leiden declaration within seven days of the filing of the motion to seal. That seven-day time period has expired and no supporting memorandum has been file with the court.

Given the failure to provide any basis for having those materials filed under seal, the court will deny the motion as to those exhibits and the references to those exhibits in the memorandum and declarations.


As to Exhibit 5 to the Golinveaux declaration, the court has reviewed the exhibit and the portions of the memorandum (page 4) and the Golinveaux declaration (paragraph 18) that discuss that exhibit. The substantive information contained in Exhibit 5 was disclosed in open court by counsel for the defendants in the argument for why the court should allow Ms. Sheckler to be deposed. (Trans. p. 5). Given the public disclosure of the information contained in Exhibit 5 and the fact that there is no clear indication that the communications between Mr. Cadenhead for the defendants and Ms. Sheckler for RIAA were intended to be confidential, the motion to seal Exhibit 5 will be denied.

For the reasons stated above, it is hereby

ORDERED that the motion to seal (Docket no. 144) is denied and defendants shall file an unredacted version of the memorandum, the declarations, and the exhibits in the public record.

Entered this 20th day of May, 2019.

Alexandria, Virginia

  
\_\_\_\_\_/s/\_\_\_\_\_  
John F. Anderson  
United States Magistrate Judge  
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John F. Anderson  
United States Magistrate Judge